

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:	*	CHAPTER 13
	*	
STACEY D. WITHERSPOON,	*	Case No. 12-60053-MHM
	*	
Debtor.	*	

MOTION TO INCUR DEBT FOR A NEW CAR

COMES NOW STACEY D. WITHERSPOON, debtor in the above-styled chapter 13 case (“Debtor”), and files this motion to allow debtor to incur new debt seeking this Court’s approval for the purchase of a vehicle and would respectfully show the Court as follows:

1.

This case was commenced on April 19, 2012, by the filing of a voluntary petition for relief under Title 11, Chapter 13 of the United States Code.

2.

Debtor’s plan, as amended, currently proposes plan payment in the amount of \$450.00 per month, with a 0% dividend to unsecured creditors. Debtor’s plan was confirmed on January 23, 2013. Debtor is funding the proposed plan by Direct Payment.

3.

Debtor is employed on the staff of the United States Environmental Protection Agency (“EPA”). She has been employed with EPA for approximately 13 years, and currently holds the position of Database Program Support in the local Atlanta office.

4.

Debtor wishes to purchase a vehicle, with a purchase price of \$33,463.53 minus \$10,000.00 for down payment, leaving a balance remaining of \$23,463.53. the monthly payments for the vehicle will be \$570.92 for a period of 75 months based on the financing information provided in Exhibit "A".

5.

The down payment as well as the resulting monthly vehicle payments will be made by either Wealth In Technologies and Ideas, Inc. or Mr. Kevin L. Hines personally. Said payments are in response to years of work Ms. Witherspoon did for his cooperation in its infancy for which she received zero compensation. Now that the company is profitable, they wish to compensate Ms. Witherspoon for her efforts. Even without this action, the debtor is sufficiently employed which would allow her to qualify for vehicle financing and make the necessary monthly payments.

6.

The purchase of the vehicle is necessary because the debtor's 1999 Mercury Mountaineer has severe undercarriage issues for which the repair costs far exceed the value of the vehicle. If the motion to incur new debt is denied debtor will face increased difficulty getting around Atlanta to work and other locations.

WHEREFORE, Debtor prays that this Honorable Court

- a) enter an order permitting the purchase as set forth herein; and
- b) grant such other and further relief as the Court deems just and proper.

Dated: December 18, 2014.

/s/ Joycelyn R. Curry
Joycelyn R. Curry
Georgia State Bar No. 142878
Counsel for Debtor

J CURRY LAW GROUP, LLC
3300 Buckeye Road, Ste 320
Atlanta, GA 30341
(678) 890-5955

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NOTICE OF HEARING

Stacey D. Witherspoon, debtor in the instant bankruptcy case, by and through counsel, filed a Motion to Incur Debt for a New Car, seeking authorization to purchase a vehicle. Hearing will be held on the motion in Courtroom 1204, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at **1:45 p.m. on January 15, 2015.**

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least three business days before the hearing. The address of the Clerk's Office is: Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: December 18, 2014.

/s/ Joycelyn R. Curry

Joycelyn R. Curry

Georgia State Bar No. 142878

Counsel for Debtor

J CURRY LAW GROUP, LLC

3300 Buckeye Road, Ste 320

Atlanta, GA 30341

(678) 890-5955

CERTIFICATE OF SERVICE

I, Joycelyn R. Curry, certify that I am over the age of 18 and that on December 17, 2014, I served a true and correct copy of the foregoing **Motion to Incur Debt For a New Car and Notice of Hearing** by first class U.S. Mail, with adequate postage prepaid, on the following persons or entities at the addresses stated:

Adam M. Goodman
Adam M. Goodman, 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

Office of the U.S. Trustee
362 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta, Georgia 30303

Stacy Donnell Witherspoon
736 Deshon Creek Drive
Lithonia, GA 30058

Dated: December 17, 2014.

/s/ Joycelyn R. Curry
Joycelyn R. Curry
Georgia State Bar No. 142878
Counsel for Debtor

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Atlanta, GA 30341
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